

FILED

FEB 27 2009

**Board of Vocational Nursing
and Psychiatric Technicians**

EDMUND G. BROWN JR., Attorney General
of the State of California
ARTHUR D. TAGGART
Supervising Deputy Attorney General
KAREN R. DENVER, State Bar No. 197268
Deputy Attorney General
1300 I Street, Suite 125
P.O. Box 944255
Sacramento, CA 94244-2550
Telephone: (916) 323-5333
Facsimile: (916) 327-8643

Attorneys for Complainant

**BEFORE THE
BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Amended Accusation
Against:

Case No. PT-2001-2202

JIM ALCANTAR,
a.k.a. SANTIAGO ALCANTAR
1482 South Crestview
Porterville, CA 93257
and
c/o Sierra Conservation Center
5150 O'Byrnes Ferry Road
Jamestown, CA 95327-0497
Psychiatric Technician License No. PT 23505

SECOND AMENDED ACCUSATION

Respondent.

Complainant alleges:

PARTIES

1. Teresa Bello-Jones, J.D., M.S.N., R.N. ("Complainant") brings this Amended Accusation solely in her official capacity as the Executive Officer of the Board of Vocational Nursing and Psychiatric Technicians ("Board"), Department of Consumer Affairs.
2. On or about August 16, 1984, the Board issued Psychiatric Technician License Number PT 23505 to Jim Alcantar, also known as Santiago Alcantar ("Respondent"). The psychiatric technician license was in full force and effect at all times relevant to the charges brought herein and will expire on October 31, 2007, unless renewed.

STATUTORY PROVISIONS

3. Section 4520 of the Business and Professions Code ("Code") provides, in pertinent part, that the Board may discipline any licensed psychiatric technician for any reason provided in Article 3 (commencing with Code section 4520) of the Psychiatric Technicians Law (Code § 4500, et. seq.)

4. Code section 118, subdivision (b) provides, in pertinent part, that the expiration of a license shall not deprive the Board jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated. Under Code section 4545, the Board may renew an expired license at any time within four years after the expiration.

5. Code section 4521 states, in pertinent part:

The board may suspend or revoke a license issued under this chapter [the Psychiatric Technicians Law] for any of the following reasons:

(a) Unprofessional conduct, which includes but is not limited to any of the following:

(5) Use any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug as defined in Article 8 (commencing with Section 4210) of Chapter 9 of Division 2, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public or to the extent that the use impairs his or her ability to conduct with safety to the public the practice authorized by his or her license.

(f) Conviction of a crime substantially related to the qualifications, functions, and duties of a licensed psychiatric technician, in which event the record of the conviction shall be conclusive evidence of the conviction.

COST RECOVERY

6. Code section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

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FIRST CAUSE FOR DISCIPLINE

(Criminal Convictions)

7. Respondent's psychiatric technician license is subject to discipline under Code section 4521(f), in that Respondent has been convicted of crimes that are substantially related to the qualifications, functions, and duties of a licensed psychiatric technician, as follows:

a. On March 23, 2006, in the Superior Court, County of Tulare, in the case entitled *People of the State of California v. Alcantar, Jim*, (Super. Ct., 2006, Case No. VCF143498), Respondent was convicted by the Court on his plea of *nolo contendere* of violating: Vehicle Code section 23153 (causing bodily injury while driving under the influence of alcohol); Vehicle Code section 23558 (causing bodily injury to more than one victim while driving under the influence of alcohol); Vehicle Code section 23560 (second offense of Vehicle Code section 23153); Vehicle Code section 23578 (conviction of Vehicle Code section 23153 with blood alcohol level 0.15% or more); and, Penal Code section 12022.7 (bodily harm inflicted during commission of felony), all felonies.

b. On September 30, 2002, in the Superior Court, County of Imperial, in the case entitled *People of the State of California v. Jim Alcantar* (Super. Ct., 2002, Case No. CM07788E), Respondent was convicted by the Court on his plea of *nolo contendere* of violating Vehicle Code section 23152(b) (driving with blood alcohol level of .08% or more), a misdemeanor.

c. On February 27, 2001, in the Superior Court, County of Tulare, Porterville Division, in the case entitled *People of the State of California v. Jim Alcantar* (Super. Ct., 2001, Case No. CR-TR-000064435), Respondent was convicted by the Court on his plea of *nolo contendere* of violating Vehicle Code 23152(b) (driving with blood alcohol level of .08% or more), with prior offenses; and, Vehicle Code 14601.2 (a) (driving a vehicle when privilege suspended or revoked for driving under the influence of alcohol), both misdemeanors.

d. In 1986, in the Superior Court, County of Tulare, Respondent was convicted of driving under the influence of alcohol, a misdemeanor.

e. In 1995, in the Superior Court, County of Tulare, Respondent was

1 convicted of driving under the influence of alcohol, a misdemeanor.

2 f. In 1996, in the Superior Court, County of Fresno, Respondent was
3 convicted of driving under the influence of alcohol, a misdemeanor.

4 **SECOND CAUSE FOR DISCIPLINE**

5 (Use of Alcohol - Danger to Others)


6 8. Respondent's psychiatric technician license is subject to disciplinary
7 action under Code section 4521(a)(5), on the grounds of unprofessional conduct, in that
8 Respondent has used alcoholic beverages in a manner dangerous or injurious to himself or others,
9 as more fully set forth in paragraph 7, above.

10 **PRAYER**

11 **WHEREFORE**, Complainant requests that a hearing be held on the matters
12 herein alleged, and that following the hearing, the Board of Vocational Nursing and Psychiatric
13 Technicians issue a decision:

- 14 1. Revoking or suspending Psychiatric Technician License Number PT
15 23505, issued to Jim Alcantar, also known as Santiago Alcantar;
- 16 2. Ordering Jim Alcantar, also known as Santiago Alcantar, to pay the Board
17 of Vocational Nursing and Psychiatric Technicians the reasonable costs of the investigation and
18 enforcement of this case, pursuant to Code section 125.3; and,
- 19 3. Taking such other and further action as deemed necessary and proper.

20 DATED: February 27, 2009

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23 TERESA BELLO-JONES, J.D., M.S.N., R.N.
24 Executive Officer
25 Board of Vocational Nursing and Psychiatric Technicians
26 Department of Consumer Affairs
27 State of California
28 Complainant